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5 **IN THE UNITED STATES DISTRICT COURT**
6 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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8 VAHAN JALADIAN, No. CIV S-04-1304-LKK-CMK-P
9 Plaintiff,
10 vs. ORDER
11 CRIBBS,
12 Defendants.
13 _____/

14 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant
15 to 42 U.S.C. § 1983. Pending before the court is plaintiff's request for additional time to file his
16 motions to compel the attendance of his incarcerated witnesses at trial (Doc. 59). Plaintiff also
17 expresses concern about his legal property which he states is being held by the staff at Pleasant
18 Valley State Prison following his transfer to that location.

19 Pursuant to this court's order of December 7, 2007, plaintiff is required to file any
20 motions necessary to obtain the attendance of witnesses who are incarcerated by January 22,
21 2008. However, due to his transfer to a different prison, he is not currently in possession of his
22 legal documents and is unable to meet that deadline. Plaintiff has requested an additional 90
23 days in which to file his motions. An extension of 90 days would be too close to the trial date of
24 May 13, 2008 for any such motion to be effective. However, the court will allow plaintiff to
25 make an oral motion for the attendance of his witnesses at the trial confirmation hearing set for
26 February 11, 2008. If plaintiff finds that he is in need of additional time at the hearing, he can

1 make a request to the court at that time. Plaintiff was recently sent another copy of the
2 scheduling order which sets forth the showing plaintiff must make in order to obtain the
3 attendance of any incarcerated witness at his trial. Plaintiff is again referred to that order (Doc.
4 48) for further assistance.

5 Plaintiff also states that his legal property is being withheld by prison staff, and
6 that the prison staff is impeding his case by withholding this property. The court notes that
7 plaintiff was recently transferred to Pleasant Valley State Prison. Plaintiff should receive his
8 legal property within due time. However, if plaintiff continues to experience difficulties in
9 obtaining possession of documents needed to facilitate the continuing prosecution of this case,
10 plaintiff is advised to raise the issue with the court at the trial confirmation hearing.

11 Accordingly, IT IS HEREBY ORDERED that

12 1. Plaintiff's request for additional time to file a motion for the attendance of
13 incarcerated witnesses at his trial is granted in part;

14 2. Plaintiff may file his motion or make an oral motion for the attendance of
15 incarcerated witnesses at or before the trial confirmation hearing set for February 11, 2008; and

16 3. If plaintiff continues to experience difficulties in obtaining possession of
17 his legal documents necessary to further prosecute this case, plaintiff shall raise the issue at the
18 trial confirmation hearing.

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20 DATED: January 9, 2008

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22 **CRAIG M. KELLISON**
23 UNITED STATES MAGISTRATE JUDGE
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